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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.12965 of 2020 (O&M)
Date of Decision: 05.06.2020**

GURMEJ @ GORA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. K.S. Virk, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.118 dated 23.04.2020, registered under Section 15 of the NDPS Act (Section 27-A of the NDPS Act added later on) & Section 51(B) at Police Station Safidon, District Jind.

As per allegations, the petitioner has been implicated on the basis of disclosure statement of Kulwinder Singh, who was arrested from the spot along with 1 kgs. 900 grams of

poppy husk.

Learned counsel for the petitioner submitted that the petitioner has been named subsequently in the FIR on the basis of aforesaid disclosure statement.

Learned State counsel on instructions from the Investigating Officer submitted that as per disclosure statement of Kulwinder Singh, he has purchased 2.5 kgs. of poppy husk from the petitioner. Challan has been presented, but prosecution has not yet started.

Keeping in view the difference between alleged purchase and the recovery effected from Kulwinder Singh, it would be debatable as to the quantity of the contraband allegedly purchased by Kulwinder Singh from the petitioner. Even otherwise, the alleged recovery is marginally more than than the small quantity which in any case is less than commercial quantity, therefore, rigour of Section 37 of the NDPS Act would not be attracted.

At this stage, in view of aforesaid facts and circumstances of the case, I am of the view that petitioner, who is in custody since 30.04.2020 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

June 05, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No